



Seattle City Council

Central Staff – Memorandum

Date: December 11, 2015
To: Planning Land Use and Sustainability Committee
From: Ketil Freeman, Council Central Staff
Subject: Marijuana Zoning Regulations (Council Bill 118580) – Potential Committee Amendments

At its December 15th meeting, the Planning Land Use and Sustainability Committee (Committee) will discuss potential amendments to proposed zoning regulations for Major Marijuana Activity, which includes the production, processing, and selling of marijuana or marijuana infused products above an established threshold. This memorandum (1) sets out some background information, (2) briefly describes the content of Council Bill (CB) 118580, and (3) sets out six potential amendments to the bill. Those amendments would:

1. Make minor technical corrections;
2. Clarify the regulatory status of existing Major Marijuana Activity located in the General Industrial 1 (IG1) zone by establishing that uses existing as of January 4, 2016 are permitted;
3. Reduce the proposed buffer from recreation centers, child care centers, public parks, public transit centers, arcades, and libraries from 500 feet to 250 feet;
4. Modify dispersion requirements for new retail Major Marijuana Activity to lower the separation distance from 1000 feet to 700 feet and establish a triggering dispersion condition of two or more existing retail major Marijuana Activity uses;
5. Allow one retail Major Marijuana Activity in the Ballard Avenue Landmark District and the Pioneer Square Preservation District; and
6. Make findings in support of the buffer reductions.

Background

In June, the legislature passed [Second Engrossed Second Substitute House Bill 2136](#), which, among other things, authorizes local jurisdictions to reduce buffer distance requirements around some sensitive land uses. Specifically, marijuana businesses must be buffered from recreation centers, child care centers, public parks, public transit centers, arcades, libraries, schools, and playgrounds. The minimum buffer for schools and playgrounds is 1000 feet. For other sensitive land uses the minimum buffer may be reduced to no less than 100 feet.

Proposed Regulations

The Mayor proposes to amend the Land Use Code to establish new zoning regulations for Major Marijuana Activity. Proposed regulations are summarized below.

Regulation	What It Would Do
Definition of Major Marijuana Activity	<ul style="list-style-type: none"> ▪ Change the definition to include any selling of marijuana. ▪ Change the definition to include the producing of any marijuana. Production of fewer than fifteen plants by or for a qualified patient within a dwelling unit (60 plants if done through an authorized cooperative) would not be defined as Major Marijuana Activity. ▪ Change the definition to include any processing of marijuana. Processing of fewer than fifteen plants by or for a qualified patient within a dwelling unit (60 plants if done through an authorized cooperative) would not be defined as Major Marijuana Activity.
Location, Buffering and Dispersion Requirements	<ul style="list-style-type: none"> ▪ Prohibit Major Marijuana Activity in most residential zones outside of downtown and South Lake Union, in the least intensive neighborhood-serving commercial zone, on the downtown waterfront, and in historic districts. ▪ Prohibit Major Marijuana Activity within 1000 feet of schools and playgrounds. ▪ Prohibit new Major Marijuana Activity involving retail transactions within 500 feet of another state-licensed Major Marijuana Activity involving retail transaction. ▪ Establish that buffer distances are measured from property lot lines.
Odor Control	<ul style="list-style-type: none"> ▪ Establish that odor control development standards apply to Major Marijuana Activity.

Proposed Amendments (Amendatory Language Shown in Track Changes)

Amendment	Amendatory Language
1. Technical Corrections	See Attached Substitute
2. Clarify the regulatory status of existing Major Marijuana Activity located in the IG1 zone by establishing that uses existing as of January 4, 2016 are permitted.	<p style="text-align: center;">Section 18. Subsections 23.50.012.A and 23.50.012.B and Table A for 23.50.012 of the Seattle Municipal Code, which section was last amended by Ordinance 124326, are amended as follows:</p> <p>23.50.012 Permitted and Prohibited Uses</p> <p style="text-align: center;">***</p> <p style="text-align: center;">B. All permitted uses are allowed as either a principal use or an accessory</p>

Amendment	Amendatory Language					
	use, unless otherwise indicated in Table A for 23.50.012. * * *					
	Table A For 23.50.012 Uses in Industrial (Z) zones					
	((PERMITTED AND PROHIBITED USES BY ZONE)) <u>Permitted and prohibited uses by zone</u>					
	((USES)) <u>Uses</u>	IB	IC	IG1 and IG2 (general)	IG1 in the Duwamish M/I Center	IG2 in the Duwamish M/I Center
	A. AGRICULTURAL USES					
	A.1. Animal ((H)) <u>husbandry</u>	X	X	X	X	X
	A.2. Aquaculture	P	P	P	P	P
	A.3. Community ((G)) <u>garden</u> (1)	P ((14)) (2)	P ((14)) (2)	P ((14)) (2)	P ((14)) (2)	P ((14)) (2)
	A.4. Horticulture	X	X	X	X	X
	A.5. Urban ((F)) <u>farm</u> (1)	P ((14)) (2)	P ((14)) (2)	P ((14)) (2)	P ((14)) (2)	P ((14)) (2)
	B. CEMETERIES	X	X	X	X	X
	C. COMMERCIAL USES					
	C.1. Animal ((S)) <u>shelters and</u> ((K)) <u>kennels</u>	X ((1)) (3)	P	P	P	P
	C.2. Eating and drinking establishments	P	P	P	P	P
	C.3. Entertainment ((U)) <u>uses</u>					
	C.3.a. Cabarets, adult	P ((13)) (4)	P ((13)) (4)	X	X	X
	C.3.b. Motion picture theaters, adult	X	X	X	X	X
	C.3.c. Panorams, adult	X	X	X	X	X
	C.3.d. Sports and recreation, indoor	P	P	P	X	P
	C.3.e. Sports and recreation, outdoor	P	P	P	X	P

Amendment	Amendatory Language					
	C.3.f. Theaters and spectator sports facilities					
	C.3.f. i. Lecture and meeting halls	P	P	P	P	P
	C.3.f. ii. Motion picture theaters	P	P	P	X	X
	C.3.f. iii. Performing arts theaters	P	P	P	X	X
	C.3.f. iv. Spectator sports facilities	P	P	P	X ((2)) (5)	X ((2)) (5)
	C.4. Food processing and craft work (1)	P	P	P	P	P
	C.5. Laboratories, Research and development	P	P	P	P	P
	C.6. Lodging uses	CU	CU	CU	X	X
	C.7. Medical services ((3)) (6)	P	P	P	P	P
	C.8. Offices	P	P	P	P	P
	C.9. Sales and services, automotive	P	P	P	P	P
	C.10. Sales and services, general (1)	P	P	P	P	P
	C.11. Sales and services, heavy	P	P	P	P	P
	C.12. Sales and services, marine	P	P	P	P	P
	D. HIGH-IMPACT USES	X	X or CU ((4)) (7)	X or CU ((5)) (8)	X or CU ((5)) (8)	X or CU ((5)) (8)
	E. INSTITUTIONS					
	E.1. Adult care centers	X	X	X	X	X
	E.2. Child care centers	P	P	P	P	P
	E.3. Colleges	EB	EB	EB ((17)) (9)	X ((6)) (10)	X ((6)) (10)
	E.4. Community centers and	EB	EB	EB	P	P

Amendment	Amendatory Language					
	Family support centers					
	E.5. Community clubs	EB	EB	EB	X	P
	E.6. Hospitals	EB	EB	CU((7))(11)	P	P
	E.7. Institutes for advanced study	P	P	P	X	X
	E.8. Libraries	X	X	X	X	X
	E.9. Major institutions subject to the provisions of Chapter 23.69	EB	EB	EB	EB	EB
	E.10. Museums	EB	EB((9))(12)	EB	X((8))(13)	X((8))(13)
	E.11. Private (C) clubs	EB	EB	EB	X	X
	E.12. Religious facilities	P((15))(14)	P((15))(14)	P((15))(14)	P((15))(14)	P((15))(14)
	E.13. Schools, elementary or secondary	EB	EB	EB	X	X
	E.14. Vocational or fine arts schools	P	P	P	P	P
	F. LIVE-WORK UNITS	X	X	X	X	X
	G. MANUFACTURING USES					
	G.1. Manufacturing, light (1)	P	P	P	P	P
	G.2. Manufacturing, general	P	P	P	P	P
	G.3. Manufacturing, heavy	CU	X or CU((10))(15)	P or CU((11))(16)	P	P
	H. PARKS AND OPEN SPACE	P	P	P	P	P
	I. PUBLIC FACILITIES					
	I.1. Jails	X	X	X	X	X
	I.2. Work-release centers	X	X	X	X	X
	I.3. Other public facilities	CCU	CCU	CCU	CCU	CCU
	J. RESIDENTIAL USES					

Amendment	Amendatory Language					
	J.1. Residential uses not listed below	X	X	X	X	X
	J.2. Artist's studio/dwellings	EB/CU	EB/CU	EB/CU	EB/CU	EB/CU
	J.3. Caretaker's quarters	P	P	P	P	P
	J.4. Residential use, except artist's studio/dwellings and caretaker's quarters, in a landmark structure or landmark district	CU	CU	CU	CU	CU
	K. STORAGE USES					
	K.1. Mini-warehouses	P	P	P	X	P
	K.2. Storage, outdoor	P	P	P	P	P
	K.3. Warehouses	P	P	P	P	P
	L. TRANSPORTATION FACILITIES					
	L.1. Cargo terminals	P	P	P	P	P
	L.2. Parking and moorage					
	L.2.a. Boat moorage	P	P	P	P	P
	L.2.b. Dry boat storage	P	P	P	P	P
	L.2.c. Parking, principal use, except as listed below	P	P or X((15))(17)	P	X((2))(5)	X((2))(5)
	L.2.c. i. Park and Pool ((1))lots	P((12))(18)	P((12))(18)	P((12))(18)	CU	CU
	L.2.c. ii. Park and Ride Lots	CU	CU	CU	CU	CU
	L.2.d. Towing services	P	P	P	P	P
	L.3. Passenger terminals	P	P	P	P	P
	L.4. Rail	P	P	P	P	P

Amendment	Amendatory Language					
	((F)) <u>transit</u> ((F)) <u>facilities</u>					
	L.5. Transportation facilities, air					
	L.5.a. Airports (land- based)	X	CCU	CCU	CCU	CCU
	L.5.b. Airports (water- based)	X	CCU	CCU	CCU	CCU
	L.5.c. Heliports	X	CCU	CCU	CCU	CCU
	L.5.d. Helistops	CCU	CCU	CCU	CCU	CCU
	L.6. Vehicle storage and maintenance					
	L.6.a. Bus bases	CU	CU	CU	CU	CU
	L.6.b. Railroad switchyards	P	P	P	P	P
	L.6.c. Railroad switchyards with a mechanized hump	X	X	CU	CU	CU
	L.6.d. Transportation services, personal	P	P	P	P	P
	M. UTILITY USES					
	M.1. Communication ((U)) <u>utilities</u> , major	CU	CU	CU	CU	CU
	M.2. Communication ((U)) <u>utilities</u> , minor	P	P	P	P	P
	M.3. Power ((P)) <u>plants</u>	X	CCU	P	P	P
	M.4. Recycling	P	P	P	P	P
	M.5. Sewage ((F)) <u>treatment</u> ((P)) <u>plants</u>	X	CCU	CCU	CCU	CCU
	M.6. Solid waste management					
	M.6.a.	X	X	P	P	P

Amendment	Amendatory Language					
	Salvage yards					
	M.6.b. Solid waste transfer stations	CU ((17)) (19)	CU	CU	CU	CU
	M.6.c. Solid waste incineration facilities	X	CCU	CCU	CCU	CCU
	M.6.d. Solid waste landfills	X	X	X	X	X
	M.7. Utility ((S)) services ((U)) uses	P	P	P	P	P
	<p>KEY</p> <p>CU = Administrative conditional use CCU = Council conditional use EB = Permitted only in a building existing on October ((5))7, 1987. EB/CU = Administrative conditional use permitted only in a building existing on October ((5))7, 1987. P = Permitted X = Prohibited</p> <p>((Notes))Footnotes to Table A for 23.50.012</p> <p>(1) MajorIn addition to the provisions in this Chapter 23.50, urban farms that entail major marijuana activity isare regulated by Section 23.42.058.</p> <p>(2) Except within designated manufacturing and industrial centers, where they are permitted only on rooftops and/or as indooragricultural operationsuses within an enclosed building. Except for indooragricultural operationsestablisheduses within an enclosed building operating prior to November 16, 2013indoorJanuary 4, 2016, agricultural operationsuses within an enclosed building are not permitted in the IG1 zone. Indoor agricultural operationsAgricultural uses within an enclosed building within designated manufacturing and industrial centers (excluding associated office or food processing areas) shall not exceed:</p> <p>(a) 5,000 square feet in IG1 zones for indooragricultural operationsuses within an enclosed building established prior to November 16, 2013January 4, 2016;</p> <p>(b) 10,000 square feet in IB and IC zones; and</p> <p>(c) 20,000 square feet in IG2 zones.</p> <p>((1)) (3) Animal shelters and kennels maintained and operated for the impounding, holding and/or disposal of lost, stray, unwanted, dead or injured animals are permitted.</p> <p>(4) Subject to subsection 23.50.012.E.</p> <p>((2)) (5) Parking required for a spectator sports facility or exhibition hall is allowed and shall be permitted to be used for general parking purposes or shared with another such facility to meet its required parking. A spectator sports facility or exhibition hall within the Stadium Transition Area Overlay District may reserve parking. Such reserved non-required parking shall be permitted to be used for general parking purposes and is exempt from the one space per 650 square feet ratio under the following circumstances:</p> <p>(a) The parking is owned and operated by the owner of the spectator sports facility or exhibition hall, and</p>					

Amendment	Amendatory Language
	<p>(b) The parking is reserved for events in the spectator sports facility or exhibition hall, and</p> <p>(c) The reserved parking is outside of the Stadium Transition Area Overlay District, and south of South Royal Brougham Way, west of 6th Avenue South and north of South Atlantic Street. Parking that is covenanted to meet required parking will not be considered reserved parking.</p> <p>((3)) <u>(6)</u> Medical service uses over 10,000 square feet, within 2,500 feet of a medical Major Institution Overlay District boundary, require administrative conditional use approval, unless included in an adopted major institution master plan. See Section 23.50.014.</p> <p>((4)) <u>(7)</u> The high-impact uses listed in subsection 23.50.014.B.10 may be permitted as conditional uses.</p> <p>((5)) <u>(8)</u> High-impact uses may be permitted as conditional uses as provided in subsection 23.50.014.B.5.</p> <p><u>(9) Research and education facilities that are a part of a college or university, and that are water-dependent or water-related, as defined by Section 23.60.944, are permitted in new and existing buildings in the Ballard/Interbay Northend Manufacturing & Industrial Center.</u></p> <p>((6)) <u>(10)</u> A college or university offering a primarily vocational curriculum within the zone is permitted.</p> <p>((7)) <u>(11)</u> Hospitals may be permitted as a conditional use where accessory to a research and development laboratory or an institute for advanced study pursuant to subsection 23.50.014.B.14.</p> <p><u>(12) On IC zoned parcels within the Ballard Hub Urban Village and abutting Market Street, museums are allowed in new buildings or structures.</u></p> <p>((8)) <u>(13)</u> Museums are prohibited except in buildings or structures that are designated City of Seattle landmarks.</p> <p>((9) On IC zoned parcels within the Ballard Hub Urban Village and abutting Market Street, museums are allowed in new buildings or structures.)</p> <p><u>(14) Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.</u></p> <p>((10)) <u>(15)</u> The heavy manufacturing uses listed in subsection 23.50.014.B.9 may be permitted as a conditional use. All other heavy manufacturing uses are prohibited.</p> <p>((11)) <u>(16)</u> Heavy manufacturing uses may be permitted as a conditional use within the Queen Anne Interbay area as provided in subsection 23.50.014.C.</p> <p><u>(17) Prohibited in an IC 85-160 zone for development that exceeds the base FAR limit.</u></p> <p>((12)) <u>(18)</u> Park and pool lots are not permitted within 3,000 feet of the Downtown Urban Center.</p> <p>((13) Subject to subsection 23.50.012.E.)</p> <p>((14) Except within designated manufacturing and industrial centers, where they are permitted only on rooftops and/or as indoor agricultural operations. Except for indoor agricultural operations established prior to the effective date of this ordinance, indoor agricultural operations are not permitted in the IG1 zone. Indoor agricultural operations within designated manufacturing and industrial centers (excluding associated office or food processing areas) shall not exceed:</p> <ul style="list-style-type: none"> a. 5,000 square feet in IG1 zones for indoor agricultural operations established prior to the effective date of this ordinance; b. 10,000 square feet in IB and IC zones; and c. 20,000 square feet in IG2 zones.)

Amendment	Amendatory Language
	<p>(((15) Prohibited in an IC 85-160 zone for development that exceeds the base FAR limit.))</p> <p>(((15) Transitional encampments accessory to religious facilities or to principal uses located on property owned or controlled by a religious organization are regulated by Section 23.42.054.))</p> <p>(((17))) (19) Subject to subsection 23.50.014.B.7.e.</p> <p>(((17) Research and education facilities that are a part of a college or university, and that are water dependent or water related, as defined by Section 23.60.944, are permitted in new and existing buildings in the Ballard/Interbay Northend Manufacturing & Industrial Center.))</p>
<p>3. Reduce the proposed buffer from recreation centers, child care centers, public parks, public transit centers, arcades, and libraries from 500 feet to 250 feet.</p>	<p>Section 2. Section 23.42.058 of the Seattle Municipal Code, enacted by Ordinance 124326, is amended as follows:</p> <p>23.42.058 Marijuana</p> <p style="text-align: center;">***</p> <p style="text-align: center;"><u>C. Major marijuana activity is allowed in all other zones if the activity and site meet the following requirements:</u></p> <p style="text-align: center;">***</p> <p style="text-align: center;"><u>3. Any lot line of property having a major marijuana activity must be 500250 feet or more from any lot line of property on which any of the following uses as defined in WAC 314-55-010 is established and operating: child care center; game arcade; library; public park; public transit center; or recreation center or facility;</u></p> <p style="text-align: center;">***</p>
<p>4. Modify dispersion requirements for new retail Major Marijuana Activity to lower the separation distance from 1000 feet to 700 feet and establish a triggering dispersion condition of two or more existing retail major Marijuana Activity</p>	<p>Section 2. Section 23.42.058 of the Seattle Municipal Code, enacted by Ordinance 124326, is amended as follows:</p> <p>23.42.058 Marijuana</p> <p style="text-align: center;">***</p> <p style="text-align: center;"><u>C. Major marijuana activity is allowed in all other zones if the activity and site meet the following requirements:</u></p>

Amendment	Amendatory Language
uses.	<p style="text-align: center;">***</p> <p style="text-align: center;">4. AnyWhere any lot lines of two or more properties having existing major marijuana activity that includes the retail sale of marijuana products are located within 700 feet of each other, any lot line of another property havingwith a new major marijuana activity that includes the retail sale of marijuana products must be 500700 feet or more from anythe closest lot line of otherthe property containing existing major marijuana activity that includes the retail sale of marijuana products;</p> <p style="text-align: center;">***</p>
5. Allow one retail Major Marijuana Activity in the Ballard Avenue Landmark District and the Pioneer Square Preservation District.	<p style="text-align: center;">Section 2. Section 23.42.058 of the Seattle Municipal Code, enacted by Ordinance 124326, is amended as follows:</p> <p>23.42.058 Marijuana</p> <p style="text-align: center;">***</p> <p style="text-align: center;"><u>B. Major marijuana activity is prohibited in the following zones and districts:</u></p> <p style="padding-left: 40px;">((a))1. ((Any)) Single-family zones;</p> <p style="padding-left: 40px;">((b))2. ((Any)) Multifamily zones;</p> <p style="padding-left: 40px;">((e))3. ((Any)) Neighborhood Commercial 1 (NC1) zones;</p> <p style="padding-left: 40px;">((d. Any of the following Downtown zones:))</p> <p style="padding-left: 40px;">((1))4. Pioneer Square Mixed (PSM);););</p> <p style="padding-left: 40px;">((2))54. International District Mixed (IDM);</p> <p style="padding-left: 40px;">((3))65. International District Residential (IDR);</p> <p style="padding-left: 40px;">((4))76. Downtown Harborfront 1 (DH1);</p> <p style="padding-left: 40px;">((5))87. Downtown Harborfront 2 (DH2); or</p> <p style="padding-left: 40px;">((6))98. Pike Market Mixed (PMM); or</p> <p style="padding-left: 40px;">((e. Any of the following districts:))</p> <p style="padding-left: 40px;">((1))10. Ballard Avenue Landmark District;););</p>

Amendment	Amendatory Language
	<p> ((2))119. Columbia City Landmark District; ((3))1210. Fort Lawton Landmark District; ((4))1311. Harvard-Belmont Landmark District; ((5))1412. International Special Review District; ((6))1513. Pike Place Market Historical District; ((7))16.) Pioneer Square Preservation District;); ((8))1714. Sand Point Overlay District; or ((9))1815. Stadium Transition Area Overlay District. </p> <p> <u>C. Major marijuana activity is allowed in all other zones if the activity and site meet the following requirements:</u> </p> <p style="text-align: center;">***</p> <p> <u>5. Except as otherwise prohibited by this Section 23.42.058, one major marijuana activity that includes the retail sale of marijuana products is allowed in the Pioneer Square Mixed Zone and one major marijuana activity that includes the retail sale of marijuana products is allowed in the Ballard Avenue Landmark District.</u> </p> <p> <u>5. Whether a major marijuana activity complies with the locational requirements prescribed by subsections 23.42.058.C.2, 23.42.058.C.3, 23.42.058.C.4, or 23.42.058.C.45 shall be based on facts that exist on the date the Washington State Liquor and Cannabis Board issues a "Notice of Marijuana Application" to The City of Seattle.</u> </p> <p style="text-align: center;">***</p> <p> Section 21. Section 23.66.122 of the Seattle Municipal Code, last amended by Ordinance 123034, is amended as follows: </p> <p>23.66.122 Prohibited uses</p> <p>A. The following uses are prohibited in the Pioneer Square Preservation District as both principal and accessory uses:</p>

Amendment	Amendatory Language
	<p><u>1.</u> Retail ice dispensaries;</p> <p><u>2.</u> Plant nurseries;</p> <p><u>3.</u> Frozen food lockers;</p> <p><u>4.</u> Animal shelters and kennels;</p> <p><u>5.</u> Pet daycare, except as permitted as a street-level use in subsection 23.49.180.F if an applicant elects to use added height under the provisions of Section 23.49.180;</p> <p><u>6.</u> Automotive sales and service, except gas stations located in parking garages;</p> <p><u>7.</u> Marine sales and service;</p> <p><u>8.</u> Heavy commercial services;</p> <p><u>9.</u> Heavy commercial sales;</p> <p><u>10.</u> Adult motion picture theaters;</p> <p><u>11.</u> Adult panorams;</p> <p><u>12.</u> Bowling alleys;</p> <p><u>13.</u> Skating rinks;</p> <p><u>14.</u> Major communication utilities;</p> <p><u>15.</u> Advertising signs and off-premises directional signs;</p> <p><u>16.</u> Transportation facilities, except passenger terminals, rail transit facilities, parking garages, and streetcar maintenance bases;</p> <p><u>17.</u> Outdoor storage;</p> <p><u>18.</u> Jails;</p> <p><u>19.</u> Work-release centers;</p> <p><u>20.</u> General and heavy manufacturing uses;</p> <p><u>21.</u> Solid waste management;</p>

Amendment	Amendatory Language
	<p data-bbox="695 226 976 262"><u>22.</u> Recycling uses; {{and}}</p> <p data-bbox="695 296 1052 331"><u>23.</u> Major marijuana activity; and</p> <p data-bbox="695 365 959 401"><u>24-23.</u> High-impact uses.</p> <p data-bbox="948 422 987 453">***</p>
<p data-bbox="191 453 467 548">6. Make findings in support of the buffer reductions.</p>	<p data-bbox="597 453 1430 489">Section 2. <u>Pursuant to the authority granted by RCW 69.50.331(8)(b), Section</u></p> <p data-bbox="500 522 1409 873"><u>2.C.3 of this ordinance is intended to reduce the minimum distances between state-licensed marijuana premises and the facilities described in RCW 69.50.331(8)(a), except elementary schools, secondary schools, and playgrounds, from 1,000 feet to 250 feet. The City Council finds that reducing these minimum distances will not negatively impact the City of Seattle’s civil regulatory enforcement, criminal law enforcement interests, public safety, or public health.</u></p> <p data-bbox="797 907 1133 942">[Re-number Following Sections]</p>